UNITED STATES PATENT AND TRADEMARK OFFICE

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IP ADMINISTRATION
LEGAL DEPARTMENT 20BN
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EXAMINER
GROSS, KENNETH A

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 11/05/2003

/2

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 August 2003_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   This action is in response to the Request for Reconsideration filed on August 12th, 2003.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 4-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nevarez et al. (U.S. Patent Number 6,189,103) in view of Saliba et al. (U.S. Patent Number

6,052,710) and further in view of Narasimhan et al. (U.S. Patent Number 6,446,192) and Shaw et

al. (U.S. Patent Number 5,867,712).

In regard to Claim 1, Nevarez teaches a web server and virtual machine residing on a

server device (Figure 2, items 202 and 224), which runs an application (Figure 2, item 204).

Nevarez does not teach that the server is application-specific. Saliba, however, does teach using

an application specific web server (Column 3, lines 36-40). Neither Nevarez nor Saliba teach

libraries for forming the web server, and compiling the web server by selecting libraries required

to form the web server on the device. Narasimhan, however, does teach forming a customized

applet that is installed on a web server chip and provides the server chip with web server

functionalities by allowing the chip to interface with a client (Column 8, lines 64-67 and Column

9, lines 1-8). Neither Nevarez, nor Saliba, nor Narasimhan teach that the libraries comprise a

web server class library and a virtual machine class library with classes for different web

applications, where a particular application is selected to run on the device. Shaw, however, does

teach application-specific classes, which a compiler selects to create an application, based on the

application classes selected (Column 23, lines 8-14 and lines 39-43). Neither Nevarez, nor

Saliba, nor Narasimhan, nor Shaw teach storing classes in a library, however, using a library is

an well-known method of storing common files and classes. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to build a web server that

contains a virtual machine, as taught by Nevarez, and where the server is application specific as

taught by Saliba, where the building of the web server includes compiling selected classes which

forms a web server, as taught by Narasimhan, where the classes are classes for different

applications and where compiling an application includes selecting an application specific class

and compiling the class to form the application, as taught by Shaw, since this allows many

different applications to be formed quickly. Since Nevarez teaches software for a web server and

a virtual machine, it would be obvious in view of Shaw that the web server was formed from a

web server class and a virtual machine was formed from a virtual machine class. Claim 6 is a

system step that corresponds with claim 1, and is rejected for the same reasons as claim 1.

In regard to Claims 4, 5, 7, 9, 11, and 12, for specific logic rejecting Claims 4, 5, 7, 9, 11,

and 12, see the office action filed on October 10th, 2002.

In regard to Claim 10, Nevarez teaches a web server and virtual machine residing on a

server device (Figure 2, items 202 and 224), which runs an application (Figure 2, item 204) that

performs a function. Nevarez does not teach that the server is application-specific. Saliba,

however, does teach using an application specific web server (Column 3, lines 36-40). Since the

server is application specific, the virtual machine residing on the server must be application

specific. Neither Nevarez nor Saliba teach libraries for forming the web server, and compiling

the web server by selecting libraries required to form the web server on the device. Narasimhan,

however, does teach forming a customized applet that is installed on a web server chip and

provides the server chip with web server functionalities by allowing the chip to interface with a

client (Column 8, lines 64-67 and Column 9, lines 1-8). Neither Nevarez, nor Saliba, nor

Narasimhan teach that the libraries comprise a web server class library and a virtual machine

class library with classes for different web applications, where a particular application is selected

to run on the device. Shaw, however, does teach application-specific classes, which a compiler

selects to create an application, based on the application classes selected (Column 23, lines 8-14

and lines 39-43). Neither Nevarez, nor Saliba, nor Narasimhan, nor Shaw teach storing classes in

a library, however, using a library is an well-known method of storing common files and classes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to develop a web server structure for a device including a web application, a web

server and virtual machine, as taught by Nevarez, where the web server and virtual machine are

application-specific as taught by Saliba, and the web server and virtual machine are compiled

from classes, as taught by Narasimhan, where the classes are application classes for forming

different applications, as taught by Shaw, since this allows many different applications to be

formed quickly. Since Nevarez teaches software for a web server and a virtual machine, it would

be obvious in view of Shaw that the web server was formed from a web server class and a virtual

machine was formed from a virtual machine class.

4.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nevarez et al.

(U.S. Patent Number 6,189,103) in view of Saliba et al. (U.S. Patent Number 6,052,710) and

further in view of Narasimhan et al. (U.S. Patent Number 6,446,192), Shaw et al. (U.S. Patent

Number 5,867,712), and Breslau et al. (U.S. Patent Number 5,761,512).

In regard to Claim 2, Nevarez, Saliba, Narasimhan, and Shaw teach the method of Claim

1, but do not teach further receiving at a compiler the libraries and the web application, the

compiler parsing the libraries to select the classes that correspond to the web application.

Breslau, however, teaches parsing the library of classes (Figure 3, item 31) in order to select the

class that corresponds to the application (Figure 3, items 53 and 59). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention to perform the method

of Claim 1, where the compiler receives the libraries and the web application, the compiler

parsing the libraries to select the classes that correspond to the web application, as taught by

Breslau, since this allows the compiler to automatically extract the correct classes without the

user having to send the exact classes to the compiler.

5.   Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Narasimhan (U.S. Patent Number 6,446,192) in view of Breslau (U.S. Patent Number 5,761,512)

and further in view of Madany (U.S. Patent Number 6,199,196).

In regard to Claims 3 and 8, for specific rejections of Claims 3 and 8, see the office action

filed on October 10th, 2002 (paper number 2).

Response to Arguments

6.   Applicant's arguments with respect to claims 1-12 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG

WEI ZHEN
Primary patent Examiner